IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 12TH JULY 2006 / 21ST ASHADHA,1928

Bail Appl..No. 4140 of 2006

CMP.4851/2006 of J.M.F.C.-II,KOTTARAKKARA
(CRIME NO. 282/2006 OF POOYAPPLLY POLICE STATION

.....

PETITIONER

SREEDHARAN PILLAI,
S/O PARAMESWARAN PILLAI,
SREEDEVI SADANAM, MUTTARA MURI,
ODANAVATTOM VILLAGE.

BY ADV. SRI.D.JAYACHANDRAN

RESPONDENTS:

STATE OF KERALA, RE. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4140/2006

DATED THIS THE 12TH DAY OF JULY, 2006

O R D E R

The petitioner was arrested with thirty five liters of wash and four liters of arrack, on 21.6.2006, by the Pooyappally Police Station Inspector, who registered crime No.282/2006 of that police station, under Section 55(g) of the Abkari Act. He remains in judicial custody. Hence this application, under Section 439 Cr.P.C.

2. The learned Public Prosecutor, upon instructions, submitted that the petitioner had committed another abkari offence, which is pending as crime No.86/2004 of Pooyappally Police Station. It is further submitted that this offence had been committed, while the petitioner was on bail, in crime No.86/2004. In the light of the rigour contained in Section 41A of the Abkari Act, the petitioner is not entitled for bail at this stage. Hence the application is dismissed.

J.M.JAMES
JUDGE

mrcs